

ATTORNEY'S DOCKET NO.: L00559/70001(MAT) FAX RECEIVED
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Walter Newman et al.
Serial No.: 09/507,146
Filed: February 18, 2000
For: BIOTINYLATED-CHEMOKINE ANTIBODY COMPLEXES
Examiner: K. Canella
Art Unit: 1642

AUG 30 2002

GROUP 1600

OFFICIAL

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being transmitted via facsimile to the attention of Examiner Anthony C. Caputa, 1-703-305-3014, at the United States Patent and Trademark Office, Washington, D.C. 20231, in accordance with 37 C.F.R. §1.6(d), on the 29th day of August, 2002.



Maria A. Trevisan, Reg. No. : 48,207

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)

Applicants hereby petition that the holding of abandonment of the above-identified patent be withdrawn, under C.F.R. § 1.181(a). A copy of the Notice of Abandonment is enclosed.


The Notice of Abandonment is based on an alleged failure to reply to the Office Action dated November 7, 2001. Applicants filed a response to the Office Action on February 5, 2002, via facsimile transmission. Applicants enclose herewith a copy of the documentation sent to the Patent Office on February 5, 2002, including the sender's unit confirmation report confirming transmission. Applicants used the facsimile number 1-703-308-7924 and also indicated the name of Examiner Canella on the transmittal and her phone number (1-703-308-8362). The facsimile transmittal also identified the application by Applicant name, and application title and serial number. Applicants respectfully point out that none of the communications from Examiner Canella provides a facsimile number at which the Examiner's mail can be addressed. Applicants did not receive a phone call from Patent Office personnel prior to receiving this Notice of Abandonment. Therefore, Applicants only became aware of the problems with the transmission upon receipt of this Notice. The undersigned attests to these facts.

639861_1.DOC

Applicants accordingly believe that the papers filed on February 5, 2002 by facsimile transmission to a USPTO facsimile number constituted a timely and complete response to the last pending Office Action.

Applicants do not believe that this petition requires a fee (see MPEP 711.03(c) (I), as Applicants timely filed the response, and thus did not abandon this application. Accordingly, no such fee is included. In the event Office personnel determine that such fee is due, Applicants' representative authorizes that the fee be charged to Deposit Account No. 23/2825. If any additional information is needed, please contact the undersigned at the number listed below.

Respectfully Submitted,



Maria A. Trevisan, Reg. No. 48,207
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210-2211
(617)720-3500

Docket No. L00559/70001 (MAT)
Date: August 29, 2002
x09/27/02

WOLF GREENFIELD

Ex: 6177202441

**** Transmit Conf. Report ****

P.1

Feb 5 2002 13:41

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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M. Trevisan



F A X C O V E R

Date: February 5, 2002 **Number of pages (including cover):** 19
To: Examiner Canella
Applicant: Newman, et al.
Serial No: 09/507,146
Filing Date: February 18, 2000
Title: BIOTINYLATED-CHEMOKINE ANTIBODY COMPLEXES
Fax Number: 703-308-7924
Phone Number: 1-703-308-8362
Number of Pages (including Cover Sheet): 19

ORIGINAL DOCUMENTS SENT: ☐ 1st Class Mail ☐ Overnight Mail ☐ Air Mail ☒ Not Sent

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that an Amendment in the above-referenced application (Total of 19 pages including cover sheet) is/are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Maria A. Trevisan

Typed or Printed Name of Person

Signing Certification

Date: February 5, 2002

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: OCHO MISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

m AT

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,146	02/18/2000	Walter Newman	10559/7001(ERP)	8881

EXAMINER

NOLAN, PATRICK J

ART UNIT**PAPER NUMBER**

1644

DATE MAILED: 07/24/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

VAT

82406 Initials
[initials]
[initials]

Pocket Entry
Pocket Cross Off
Order Copies
Annuities
Confirmation

[vertical barcode]

DOCKETED
AUG 2 2002

Notice of Abandonment

Application No.

09/507,146

Applicant(s)

Newman et al.

Examiner

Patrick J. Nolan

Art Unit

1644

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on Nov 7, 2001.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Pat J. Nolan
PATRICK J. NOLAN, PH.D.
PRIMARY EXAMINER

7/23/02

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

F A X C O V E R

*****OFFICIAL FAX*****

Date: August 29, 2002 **Number of pages (including cover):** 26

To: Examiner Anthony C. Caputa, U.S. Patent and Trademark Office

Fax No.: 1-703-305-3014

Serial No.: 09/507,146

Title: BIOTINYLATED-CHEMOKINE ANTIBODY COMPLEXES

From: Maria A. Trevisan

Direct dial: 617.573.7866

Our File #: L00559/70001

FAX RECEIVED

AUG 30 2002

GROUP 1600

OFFICIAL

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)

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Maria A. Trevisan, Reg. No. 48,207

ORIGINAL DOCUMENTS WILL NOT BE MAILED.

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IF YOU DID NOT RECEIVE ALL OF THE PAGES OF THIS TRANSMISSION, OR IF ANY OF THE PAGES ARE ILLEGIBLE, PLEASE CALL 617.720.3500 IMMEDIATELY.

Wolf Greenfield Fax Number: 617.720.2441

Wolf, Greenfield & Sacks, P.C. | 600 Atlantic Avenue | Boston, Massachusetts 02210-2206
617.720.3500 | fax 617.720.2441 | www.wolfgreenfield.com

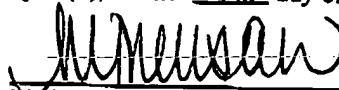
PATENTS TRADEMARKS COPYRIGHTS TECHNOLOGY TRANSFERS LITIGATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Walter Newman et al.
Serial No: 09/507,146
Confirmation. No.: 8881
Filed: February 18, 2000
For: BIOTINYLATED-CHEMOKINE ANTIBODY COMPLEXES
Examiner: K. Canella
Art Unit: 1642

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)

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Maria A. Trevisan, Reg. No. : 48,207

Commissioner For Patents
Washington, D.C. 20231

Sir:


Transmitted herewith are the following documents:

- [X] Petition to Withdraw Holding of Abandonment Under 37 C.F.R. § 1.181(a)
- [X] Copy of Response to Office Action filed February 18, 2002
- [X] Copy of Notice of Abandonment, Date Mailed July 24, 2002

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Walter Newman et al., Applicant

By 
Maria A. Trevisan, Reg. No.: 48,207
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617)720-3500

Docket No. L00559/70001 (ERP/MAT)
Date: August 29, 2002
xSeptember 27, 2002x